

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Construction Agreement Between the Tohono O'odham Legislative Branch
and Rytan LLC and Granting a Limited Waiver of Sovereign Immunity)

RESOLUTION NO. 25-389

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council with
2 the power to "negotiate and conclude agreements and contracts on behalf of the
3 Tohono O'odham Nation... with private persons or organizations on all matters
4 within the authority of the Tohono O'odham Council" (Constitution, Article VI,
5 Section 1(f)); and

6 **WHEREAS,** 26 T.O.C. Article 4, Section 1405 vests the Legislative Council chairperson with the
7 authority to negotiate, execute, and conclude contracts that expend funds
8 pursuant to appropriations or budgets authorized by resolution, that are within
9 the authorities delegated to the Council chairperson and vice chairperson by the
10 Legislative Council, and in amounts not to exceed \$100,000; and

11 **WHEREAS,** the Legislative Council by Resolution No. 22-311 approved the FY 2022-FY 2025
12 Legislative Branch American Rescue Plan Act Budget, which includes funding to
13 cover costs associated with the construction of the Legislative Branch
14 replacement building, and which was subsequently amended by Resolution No.
15 24-362 as the FY 2025-FY 2027 Legislative Branch American Rescue Plan Act
16 Budget; and

17 **WHEREAS,** by Resolution No. 25-157, the Legislative Council approved the AIA A101-2017
18 Standard Form of Agreement Between Owner and Contractor and AIA A201-2017
19 General Conditions of the Contract for Construction between the Tohono
20 O'odham Legislative Branch and Rytan LLC for the replacement building
21 (collectively, the "Agreement") for an amount not to exceed \$29,405,119.18; and

22 **WHEREAS,** the Legislative Branch has negotiated amendments to the Agreement with Rytan
23 LLC (the "Amended Agreement"), which is incorporated by this reference, that will
24 increase the amount the Council authorized by Resolution No. 25-157, and the
25 Legislative Council by Resolution No. 25-387 approved an amendment to the FY
26 2025-2027 Legislative Branch Legislative Replacement Building Supplemental
27 Budget to support the Amended Agreement in an amount not to exceed
28 \$34,566,619.00; and

29 **WHEREAS,** in order to ensure the timely construction of the Legislative Branch replacement
30 building and expend available federal funding, the Legislative Council officers
31 recommend that the Legislative Council approve the Amended Agreement.
32

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NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the Amended Agreement between the Tohono O'odham Legislative Branch and Rytan LLC in substantially the form presented to the Legislative Council and in an amount not to exceed \$34,566,619.00.

BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that the Amended Agreement shall be funded by the FY 2025-FY 2027 Legislative Branch American Rescue Plan Act Budget Amendment No. 2, and the FY 2025-2027 Legislative Branch Legislative Replacement Building Supplemental Budget.

BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council approves a limited waiver of the Legislative Branch's sovereign immunity consistent with the Amended Agreement's terms.

BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes the Legislative Council chairperson to execute the Amended Agreement between the Tohono O'odham Legislative Branch and Rytan LLC.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15TH day of OCTOBER 2025 at a meeting at which a quorum was present with a vote of 3,321.1 FOR; -0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(f) and 1(d)(2) the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Wavalene M. Saunders, Legislative Chairwoman

22nd day of OCTOBER, 2025

ATTEST:


Evonne Wilson, Legislative Secretary

22 day of October, 2025


Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 22nd day of OCTOBER, 2025 at 4:33 o'clock, P.m., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

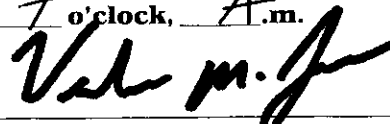

Wavalene M. Saunders, Legislative Chairwoman

☒ APPROVED

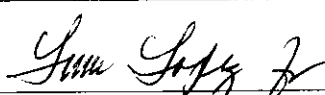
on the 24 day of October, 2025

☐ DISAPPROVED

at 7 o'clock, A.m.


VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 24 day of
October, 2025, at 8:10 o'clock, A.m.


Evonne Wilson, Legislative Secretary

ACTION: AMENDING CONSTRUCTION AGREEMENT BETWEEN THE TOHONO O'ODHAM LEGISLATIVE BRANCH AND RYTAN LLC AND GRANTING A LIMITED WAIVER OF SOVEREIGN IMMUNITY**MOVED: VICE CHAIRWOMAN MARLAKAY HENRY****SECOND: COUNCILWOMAN EVELYN JUAN MANUEL****DATE: OCTOBER 15, 2025**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 251.2	1. WAVALENE M. SAUNDERS (Mary Lopez) 2. FRANCIS HOMEWYTEWA ()	125.6 125.6	X X			X
SELLS 565.7	1. JANET B. ELEANDO () 2. EVELYN JUAN MANUEL (Juan Buendia)	282.85 282.85	X X			
SCHUK TOAK 195.3	1. THEORIA CAMPILLO (Rebecca Ann Valentine) 2. DELISA M. RAMON (Quintin C. Lopez)	97.65 97.65	X X			
SAN XAVIER 249.8	1. DANIEL L.A. PRESTON III () 2. JANICE FELIX ()	124.9 124.9	X X			X
SAN LUCY 266.3	1. GLORIA M. RAMIREZ (Lorraine M. Eiler) 2. ROGER MANUEL (Christina Andrews)	133.15 133.15	X X			
PISINEMO 240.3	1. PAMELA J. BENAVIDEZ (Nora J. Ruclas) 2. NAOMI MONTE (Edward D. Manuel)	120.15 120.15	X X			
HICKIWAN 222.9	1. LOUIS R. LOPEZ (Loretta A. Ortega) 2. DELMA M. GARCIA ()	111.45 111.45	X X			
GU VO 279.6	1. LESLIE LUNA () 2. BENNETT CHEWING ()	139.8 139.8	X X			
GU ACHI 289.2	1. JEROME F. JOAQUIN (Gloria Johnson) 2. LUCIUS E. LOPEZ (Victoria A. Hobbs)	144.6 144.6	X X			X
CHUKUT KUK 361.9	1. MARLAKAY HENRY () 2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	180.95 180.95	X X			
BABOQUIVARI 398.9	1. JESSE NAVARRO (Alberta J. Ray) 2. NED NORRIS, JR (Leander Mase)	199.45 199.45	X X			
TOTAL		3,321.1	3,321.1	-0-	-0-	[03]